

The Dynamics of the African Continental Free Trade Area Legal Framework and the Economic Development of the Youth

Annabel Nanjira

LLM in International Trade and Investment Law from the University of Pretoria. Currently works for Trade Law Centre (TRALAC), South Africa

Abstract

The African Continental Free Trade Area Agreement (AfCFTA) was signed on 12 March 2018. The Agreement forms part of Africa's vision 2063. It seeks to integrate African countries' economies, in order to facilitate economic development. The Agreement is ambitious in its intent to promote the economic development of vulnerable people in African societies, such as the youth, women, and people with disability. But do African youth to win in terms of implementing AfCFTA? This article provides an affirmative answer to this question. It explores the potential economic, social and political benefits that African youth will derive from full integration of African economies, because of the African Continental Free Trade Area. The article is based on desktop research, the legal framework of AfCFTA, journals and internet sources.

Introduction

The African Development Bank (AfDB) has indicated that the African youth population has reached 45 million¹ and is expected to double by the year 2045. The AfDB considers this population to be Africa's most valuable resource; however, this population accounts for 60 per cent of the unemployed population on the continent.² Other related challenges that the youth continue to face include: limited access to medical services; inadequate access to capital for youths engaged in business; skills mismatch.³

Efforts to promote the economic development of the youth have been made through the African Youth Charter (AYC) and various plans of action. The first African Youth Charter Plan

of Action was implemented in 2009 and replaced in 2019 when it expired. This article argues that both the AYC and the plans implemented at the national and continental levels are insufficient. This is because they are worded in general terms and have little or no enforcement mechanisms. The AYC and the various plans of action also fail to address the most current development problems. Such problems include access to credit facilities by micro, small and medium enterprises that are owned by youths, the limited protection of intellectual property for start-up technology industries, and free movement within the continent for purposes of education and employment.

This article holds the view that the AfCFTA protocols provide adequate strategies for reconciling the problems of the youth and under-development. To highlight this, the article is divided into three parts. Part I focuses on the history of the African Continental Free Trade Area, to provide some background information. Part II focuses on the pre-African Continental Free Trade Area initiatives that focus on the youth and economic development. It also highlights how the initiatives were insufficient to achieve their mandate. Part III shows how the youth will benefit from the African Continental Free Trade Area through an analysis of the agreement that created the Free Trade Area and its subsequent protocol. This part also concludes the article.

Brief history of the African Continental Free Trade Area

The agreement established the African Continental Free Trade Area when it was signed on 21 March 2018, in Kigali, Rwanda. It subsequently came into force on 30 May 2019, after receiving the required number of ratifications (22).⁴ The African Continental Free Trade Area forms part of the objective of African countries to establish an African Economic Community by 2063.⁵ This objective is embodied in the Abuja Treaty, which was adopted in June 1991. The African Continental Free Trade Area seeks to: create a common market on the continent; boost intra-African trade; increase competition in trade; and address the problem of multiple memberships of Regional Economic Communities (RECs) by African countries.⁶

Although it has not yet reached the fruition stage, the journey towards the establishment of an African free trade area started some years ago. In 1980, the Organization for African Unity (OAU) envisioned the creation of an African common market through its Lagos Action Plan.⁷ However, efforts to establishing the common market were not successful due to weak implementation of the RECs that were established.

African countries did not see the failure of the RECs to facilitate economic development as an end to regional integration. Further efforts were made with the 1991 OAU Treaty that foresaw the establishment of an African economic community by 2063.⁸ In order to achieve this, the Abuja Treaty included the formation of a free trade area, which was an intermediate step towards the establishment of the African economic community. As ambitious as it was, this idea was not implemented until early in the twenty-first century.⁹

In 2012, the idea of an African free trade area was considered at the eighteenth session of African Heads of States and Governments that took place in Addis Ababa, Ethiopia. The session resolved to establish an African free trade area by 2017.¹⁰ Unfortunately, this also did not come to pass. As a result, further initiatives were channelled into the idea through the 2017 Action Plan

for Boosting Intra-African Trade (BIAT).¹¹ The action plan was based on eight broad clusters: trade finance; trade policy; market integration; trade facilitation; infrastructural development that boosts trade; productive capacity; trade information; factoring market integration.¹²

The BIAT was successful as it facilitated the creation of AfCFTA on 30 May 2019.¹³ AfCFTA came into force after receiving the minimum number of required ratifications by states (22).¹⁴ AfCFTA aims to bring together 55 African states, which have a combined GDP of US\$3,4 trillion and a market of over 1,2 billion people.¹⁵ Currently, the number of countries that have ratified the AfCFTA stands at 27, with Nigeria being the latest country to sign it.¹⁶

As already mentioned above, the AfCFTA seeks to create a common market for goods and services and facilitate free movement of people and investments. These initiatives are geared toward the end goal, which is the creation of a customs union in Africa. The AfCFTA also aims to boost intra-African trade. This will be achieved through coordination and harmonisation of trade liberalisation.¹⁷ All these goals will be made possible through the AfCFTA protocols on goods, services, investment, movement of people and dispute resolution, among others.

The Pre-African Continental Free Trade Area legal and institutional framework on youth and economic development

The term African youth refers to any person in Africa who is between the ages of 15 and 35.¹⁸ Currently, the African population stands at 1,2 billion.¹⁹ The greater part of this population (about 244 million) are people who fall in the 15–24 age bracket.²⁰ This number is expected to double by 2050.²¹ The high number of youth in Africa now and as projected in the future can be looked at in terms of a source of labour or a market for goods and services. Either of the two categories always necessitates empowerment of the youth economically and intellectually.

Economic development of the youth denotes a process of empowering youth with skills to enable them to meet their basic personal and social needs.²² These skills can be imparted through formal education in primary, secondary, higher education and vocational training institutions. The informal portion can be done through apprenticeship programmes in masonry, tailoring and so on.

Economic development in the context of the African youth can be looked at in two aspects; economic challenges experienced by the African youth and the role that the youth can play in facilitating their own economic empowerment.²³ Ironically, the ‘youth and economic development’ catch-phrase has long been incorporated into several African development strategies. The Africa Union’s (AU) Agenda 2063 aspiration envisages a continent in which development is driven by people, and places specific emphasis on the role played by youth and women in achieving this development.²⁴ This idea was further acknowledged in the OAU’s 1991 Abuja Treaty. Article 72 of the Treaty obliges member states to take measures to ensure that the youths and young school leavers access training that will enable them to gain meaningful employment. Co-operation between the African Economic Community and women’ and youth social-economic groups is also encouraged, to facilitate their participation in the integration process.²⁵

In 2006, the AU adopted the AYC. In its preamble, the Charter recognises that the African youth face problems relating to: HIV/AIDS; under-employment and unemployment; limited access to medical services; and information and gender-related violence.²⁶ The Charter provides solutions to such problems by underscoring a wide array of rights that are to be afforded to the youth by state parties.²⁷ These include freedom of movement, freedom from discrimination, freedom of association, and the right to own property. Article 12 of the AYC obliges state parties to develop a national youth policy, which is supposed to address the challenges mentioned above.²⁸ For purposes of enforcement and state accountability, the national youth policy is supposed to be adopted by parliament and enacted into law.²⁹

The African Union Commission also has obligations in terms of enforcement of the Charter. These include collaborating with governmental and non-governmental organisations in identifying best practices for youth policy formulation, and extending invitations to youth representatives to participate in ordinary sessions of the AU and other meetings. The AU also engages in programmes to create awareness among the youth regarding the functioning of the AU and enabling cultural exchange between youth from different states, to foster youth solidarity, political consciousness, and democratic participation.³⁰

Another key African framework on youth and development was the African Youth Decade Plan of Action, 2009–2018. The Action plan was adopted in 2009 by the AU heads of state executive council held in Addis Ababa, Ethiopia.³¹ The Plan of Action on the Decade aimed to provide a roadmap for implementing the AYC.³² Other objectives included in the Action plan were to operationalise and mainstream the implementation of the AYC with a youth perspective, and to create benchmark standards essential in developing and implementing youth development policies.³³

The Decade Plan of Action was expected to achieve five outcomes.³⁴ First, it would increase investment in youth development programmes and activities associated with the assessment of development targets. Second, it would improve the capacity of African countries to develop and implement comprehensive youth development policies and plans. Third, the action plan aimed to encourage the inclusion of youth perspectives in the implementation of sustainable development goals. The fourth was to base the allocation of resources on youth development on evidence and results. Lastly, it aimed to serve as a framework for funding and evaluation of youth empowerment and development policies.

The Decade Plan of Action was followed up with a meeting of African ministers in charge of youth affairs in April 2010. The meeting endorsed the following priorities in achieving the aspirations set out in the 2009–2018 Decade Plan of Action: provide evidence-based good practices in sustainable youth sustainable goals; coordinate multilateral efforts in terms of a youth development policy; target marginalised youth, including those with a disability, young women, and youth in conflict areas; foster the spirit of volunteerism in youth, and consolidate leadership development; and create a resource database on youth and development.³⁵

The 2009–2018 Decade Plan of Action has subsequently been substituted by the African Plan of Action on Youth Empowerment (APAYE 2019–2023). This 2019–2023 plan of action sets out the five-year continental framework for implementation of the AYC. Its objectives extend to: identifying priority and strategic actions for youth empowerment in Africa: to serve as a guide for development and implementation of high impact programmes and policies, mobilise and

coordinate stakeholder engaged in youth economic development; and lastly, to monitor the progress of youth empowerment.³⁶

The African Plan of Action on Youth Empowerment 2019–2023 is more comprehensive compared to its predecessor, the 2009–2018 Decade Plan of Action.³⁷ The 2019–2023 plan of action sets out challenges relating to the advancement of youth economic development in Africa including: weak implementation of the AYC; inadequate engagement of young people; unavailability of data.³⁸ It therefore deliberates several strategies aimed at addressing youth and economic development in Africa.

The 2019–2023 plan of action lays out seven principles that are aimed at the achievement of its objectives. These principles include: solution oriented - designed to be flexible and relevant to all African states; high impact - the solution proposed requires multiple interventions; country focus - implementation of country-specific strategies on youth and economic development; leverage partnerships - effective collaboration with state and non-state entities to ensure the achievement of its goals; mainstreaming and coordination; youth engagement; and mutual accountability.³⁹ Finally, the plan of action capitalises on advocacy, so as to place youth empowerment issues at the forefront of state priorities.⁴⁰

Member states and the AU's implementation of the African Youth Charter

The number of countries that are signatories to the AYC is currently 43 out of a total of 55 African states.⁴¹ Upon ratification, the Charter obliged member states to develop a comprehensive national youth policy.⁴² It sets out the key considerations in developing and implementing such national youth policies. They include: (a) that the policy should be cross-sectional in nature and address the challenges faced by youth: (b) that the youth shall be consulted regarding the formulation of national youth policies: (c) the inclusion of the youth perspective in planning, decision making and development of programmes: (d) that national youth policy officers shall provide guidelines for the definition of youth and specify youth sub-groups that are the target of development.⁴³

Of the 43 countries that have ratified the AYC, 32 have a national youth policy in place, while one (the Democratic Republic of Congo) has a draft policy in place.⁴⁴ The critical role that such a policy plays in economic development was highlighted by Corrigan in his article 'Getting youth policy right in Africa'. Corrigan states that national youth policies are not only the appropriate response to the AU's 2009–2018 Plan of Action on Youth, but also an attempt to integrate interventions in various fields, to make a measurable difference and to impact on society's youth. This point was also reiterated in Kenya's National Youth Policy – 2018,⁴⁵ and in South Africa's 2009–2014 National Youth Policy.⁴⁶

The AU has launched several programmes aimed at implementing the objectives set out in the AYC at a continental level. First, it has established a youth division within the union. The division is tasked with managing the African youth agenda at the African Union Commission. It is also responsible for addressing challenges relating to youth development, a legal framework for youth development and youth capacity building, and enhancing employability skills through the African Union Youth Volunteer Corps. Second, the AU has created the Youth Advisory Council. Its members comprise the chairperson of the AUC and five youths who represent the

five regions in Africa. The council's mandate extends to advising the AU chairperson on issues relating to the youth and advocating for youth development issues by championing the work done by the youth representatives at the AU.⁴⁷

Insufficiency of the Pre-African Continental Free Trade Area framework on youth and economic development

The wording of the Charter is framed in general terms. For example, Article 2 of the AYC states that state parties are obligated to take necessary national constitutional steps, to give effect to the provisions of the Charter.⁴⁸ While this could be regarded as a positive step towards implementation of the Charter, there is nothing in the Charter that sets out a sanction for a state that does not incorporate the Charter into its municipal laws.

African countries are under an obligation to take sufficient steps to ensure that the youth are engaged in gainful employment. To this end, state parties are required to ensure equal access to employment for the youth and that the principle of equal pay for equal work is taken into consideration. They are also mandated to develop macro-economic policies that ensure the creation of employment for the youth. States are encouraged to provide incentives for employers to take part by employing the youth and ensuring that they engage them in skills development.⁴⁹ Despite all these commitments, the youth account for 60 per cent of unemployed Africans.⁵⁰ This article proposes that the best solution for reducing the high rate of unemployment and under-employment among the youth in Africa is to ensure that African states invest their economic resources in sectors and industries that have a high multiplier effect.

The right to education is a critical input to the economic and social development of African youth. Gakusu opines that a society's ability to develop education and skills among its members is crucial to its ability to grow, as education has positive social externalities that foster economic, social, and political change.⁵¹ Article 13 of the AYC speaks to the right to education: it states that every young person has the right to education of good quality.⁵² The Article also places an obligation on member states to make basic education free and compulsory for all. This obligation has been complied with by most African countries, including Kenya, Uganda, Rwanda, and Tanzania. However, the obligation for African states to place specific emphasis on education that focuses on science and technological advances is still a problem. Implementation of an education policy that focuses on technology is a problem for most African countries that are still dependent on foreign aid to finance the education sector in their country.⁵³ Another major problem in most schools in sub-Saharan Africa is the inability to produce students with appropriate knowledge and skills.⁵⁴ This calls for adequate measures to improve the quality of education being provided to the African youth.

The AYC guarantees the youth the right to participate in all aspects of society.⁵⁵ In implementing this right, state parties are obligated to: guarantee the participation of the youth in parliament; facilitate the creation and strengthening of platforms that provide an opportunity for the youth to take part in decision making at the local, national, regional and continental level; ensure that young women and men have equal opportunities to participate in decision making and the fulfilment of civic duties; provide access to information so that young

people become aware of their rights; and provide financial and technical support to build the institutional capacity of youth organisations.⁵⁶

This article takes the view that even though the Charter provides adequate mechanisms for youth participation in decision making, little has been done to realise this. Most African parliaments do not have young parliamentarians and states generally reserve less than five positions for youth representatives in legislative bodies. Ntsabane and Ntau opine that if the AYC provision on youth participation is to be fully realised, then African countries will have to go beyond simply making appointments and creating executive positions and take a longitudinal view to review and address the role of key institutions, such as family, the education system and political parties that are critical in growing the youth as social beings and political actors.⁵⁷

Article 3 of the Charter prescribes an important freedom: the ability to leave one country for another and to return to the country of origin.⁵⁸ This freedom of movement is critical to the African youth as movement within and outside the continent, which is necessitated by reasons relating to education, employment, health, etc. However, African countries still have colonial borders that impede full implementation of this freedom and Africans still must obtain a visa to travel to various African countries. One example is that citizens of Cameroon must obtain a visa to travel to the neighbouring country of DRC, while citizens from countries such as Singapore and Haiti do not require a visa.

Lastly, the Charter fails to recognise one important aspect that facilitates the economic development of youth: trade. Due to the high level of employment, the youth in Africa are mostly engaged in establishing and running micro, small and medium enterprises that operate within and outside their own country.⁵⁹ SMEs face a myriad of challenges, including limited access to capital, stringent compliance requirements and a lack of adequate infrastructure, such as good roads.⁶⁰ However, the Charter does little to address these challenges. This article takes the view that it would be proper for the Charter to obligate member states to take measures to encourage the financial institutions within their country to make credit facilities more accessible to the youth. Member countries should also be obligated to implement trade facilitation measures, including the improvement of infrastructure and the scrapping of irrelevant policies that inhibit trade.

The value of the AfCFTA area for the African youth

The crucial role to be played by the African youth in realising the full benefits of the African Continental Free Trade Area has been over-emphasised by several people. The Mo' Ibrahim Foundation's 2019 report states that Africa's biggest challenge lies in the high unemployment rate for its youth.⁶¹ It suggests that this human resource would provide adequate labour to industries established because of the implementation of AfCFTA. A similar approach has been taken by the European Centre for Development Policy Management (ECDPM), which is an international think tank that advances economic policies in Africa and Europe. ECDPM states that most informal cross-border traders on the continent are women and youth.⁶² These traders stand to benefit greatly from the impact of trade liberalisation in the African Continental Free Trade Area.

Article 27(2) (d) of the AfCFTA Protocol on trade in services is the only provision that speaks directly to the inclusion of the youth by state parties in achieving the goals of the Agreement. It obligates state parties to improve the export capacity of both formal and informal service suppliers, with particular emphasis on micro, small and medium size service suppliers, as well as women and youth service suppliers.⁶³ Another related provision that seeks to protect small and medium enterprises engaged in the production of goods sector is Article 24 of the protocol on trade in goods. This Article provides regulatory protection to state parties that aim to protect infant industries of strategic importance at a national level in a country. However, such protection should be implemented on a non-discriminatory basis and the existence of the protection should have a limited time frame.⁶⁴

The African Continental Free Trade Area aims to facilitate intra-state trade in the region. This trade facilitation will be implemented through trade liberalisation at the continental level. The trade liberalisation strategies used by the AU in implementing the Agreement include: the negotiation of protocols relating to trade in goods and services; free movement of people; investment; and trade facilitation. This article opines that the youth will benefit from these efforts in the following ways: (a) formal trade being undertaken by private and public sector industries; (b) informal cross-border trade; (c) being a source of labour to the industries that will be established because of the free trade area; and (d) unrestricted movement on the continent, which is being actualised by the protocol on free movement of people. Each of these benefits will be expounded on further in the sections below.

The African Continental Free Trade Area facilitation of intra-African trade being undertaken by companies

The Agreement has now been signed by 54 of the 55 African states. It seeks to create a liberalised market of trade in goods and services.⁶⁵ This has been actualised by the negotiation and coming into force of the protocols on trade in goods, services and dispute resolution, which forms part of the single undertaking to the African Continental Free Trade Area Agreement.⁶⁶ Article 4 of the AfCFTA sets out its specific objectives as follows: the elimination of both tariff and non-tariff barriers to trade; facilitating co-operation on matters relating to investment and intellectual property; and the establishment of a mechanism for the settlement of trade disputes.⁶⁷

Article 2 of the protocol on trade in goods mirrors the objectives in the AfCFTA. The protocol also establishes two important principles that are critical to the actualisation of economic benefits by companies under the AfCFTA. These two principles are: most favoured nation treatment; and national treatment.⁶⁸ The former principle is founded on the obligation of state parties to ensure the same treatment for goods originating from other AfCFTA members. The latter principle is premised on the obligation of AfCFTA state parties to afford the same treatment to like products produced both within their own country and those that are imported. The benefit of these two principles is seen in a maximum import duty being set on products that originate from African countries.

The protocol on trade in goods also captures an aspiration of African states to progressively eliminate import duties and other charges that have the same effect.⁶⁹ Import duties amount to a tariff barrier on international trade. The elimination of such tariff barriers is being facilitated by successive trade negotiations. The end goal of the negotiations is seeing a complete elimination of import duties, as well as ensuring that African states apply uniform preferential tariffs on goods from other state parties.⁷⁰ The uniform application of import duties on products will create a stable and predictable business environment for companies that seek to operate on the continent. The protocol on trade in goods also addresses the question of export duties, which is also an important economic issue for companies. The protocol requires state parties to impose export duties in a non-discriminatory manner and to notify the AfCFTA secretariat of its intention to impose such export duties.⁷¹

Non-tariff barriers are being reduced by the adoption of the AfCFTA Annex on non-tariff barriers⁷² and an online reporting mechanism created by the AfCFTA. The users of this online mechanism include state party economic operators, national focal points, REC secretariats, academicians, and other interested parties. This online mechanism will be managed by the AfCFTA secretariat, which is based in Accra, Ghana. The AfCFTA non-tariff barriers resolution mechanism functions with the help of existing mechanisms in other RECs. Member countries must first attempt to resolve the non-tariff barriers at a sub-regional level, before using the AfCFTA mechanism. The AfCFTA mechanism also addresses non-tariff barriers from countries that are not part of any REC.

AfCFTA and informal cross-border trade

Informal cross-border trade (ICBT) refers to trade that takes place between neighbouring countries and which is conducted by small, vulnerable, and unregistered traders.⁷³ The World Trade Organisation (WTO) adopts a similar definition that sets to outline the characteristics of ICBT.⁷⁴ Firstly, it states that informality is an integral part of ICBT. However, this does not mean that formally established businesses do not engage in ICBT. Secondly, the WTO states that ICBT is homogenous, in that it establishes a symbiotic relationship between three entities: small, medium, and larger firms. Thirdly, the WTO acknowledges the role played by religion and ethnicity in ICBT, that is, it has resulted in the setting up of institutions that are sometimes more powerful than formal institutions.

The role that informal cross-border trade plays in facilitating economic development on the continent has been highlighted by several authors. For example, Nshimbi and Moyo opine that ICBT contributes: 40 per cent of intra-state trade in the Common Market for Eastern and Southern Africa (COMESA);⁷⁵ and 30–40 per cent of total intra-trade in the Southern African Development Community (SADC). In terms of the East African Community (EAC), informal cross-border trade has been projected to be at 45 per cent.⁷⁶ This percentage is highest in the Economic Community of West African States (ECOWAS), where ICBT is determined to be 49 per cent. The overall importance of IBCD in Africa is that it sustains poor rural African households.⁷⁷ It also provides for food security.⁷⁸

The African Continental Free Trade Area has recognised the importance of ICBT, and both the Agreement and its protocols have provisions relating to trade liberalisation in informal cross-border trade. Article 4(a) of the AfCTA incorporates its objective of reducing tariffs. By reducing tariffs, AfCTA will make it more affordable for informal traders to operate through formal channels, which offer more protection. Another key instrument that facilitates ICBT is the protocol on the free movement of persons, which is still in the negotiation phase.

Youth as a source of labour in Africa

The AfCTA has made provisions for the negotiation of protocols on investment, intellectual property rights and a competition policy. All these three aspects aim to boost industrialisation on the continent and were negotiated in phase II, which is expected to last between 2020 and 2021.⁷⁹ The impact of the three protocols is that they will lead to a larger African market, encourage manufacturing in Africa and improve the standard of manufactured goods.⁸⁰ These benefits of industrialisation will capitalise on the availability of labour in the African youth population. Consequently, the current unemployment rate among youths in the continent is expected to reduce over time.

The importance of having the labour required to achieve the AfCFTA objectives is recognised in Article 3(c). This provision states that AfCFTA seeks to enhance the movement of capital and natural persons between states and RECs. The benefits accruing from Article 3(c) of AfCFTA will further be actualised by the negotiation and implementation of the protocol on the free movement of persons, which is discussed below. The youth in Africa will also benefit from the implementation of the protocol on intellectual property, since majority of the tech start-up companies are owned by young people.

AfCTA and the free movement of persons

The original idea of the protocol on the free movement of persons was incorporated in the 1963 Charter of the Organisation of African Unity. This led to the adoption of another protocol on 29 January 2018. Apart from the right of free movement of persons, this protocol outlines two more rights that relate to the free movement of persons within Africa. These are the right of residence and the right of establishment in another African country.⁸¹

The full implementation of the protocol is to be realised progressively in three phases. Phase one deals with the duty of African countries to recognise the right of entry and to abolish visa requirements. Phase two is the implementation of the right of residence, and phase three relates to the recognition of the right to establishment. The protocol specifically recognises the right to free movement for students, researchers, and workers (Article 13 and 14, respectively).⁸² Almost 2 years later only four African countries have ratified the protocol.

The African Continental Free Trade Area Agreement has revisited the same idea through Article 3(d). It states that one of the objectives of the Agreement is to facilitate the movement of

natural persons between member states and between RECs. The benefits of full realisation of the right to free movement of people for the youth, as well as for the rest of the African population has been explored by several African institutions. The United Nations Economic Community of Africa (UNECA) is of the opinion that the right of free movement of people on the continent is critical to the acquisition of trade gains.⁸³ It states that free movement of people on the continent will boost economic growth and skills development.

The AU's Agenda 2063 recognises the continental benefits of the free movement of people. Apart from seeing the free movement of people as being a key ingredient to achieving developmental aspirations, the AU's Agenda 2016 states that it would: boost intra-African trade; facilitate the movement of labour and the transfer of skills; promote a pan-African identity; improve trans-border infrastructure; and foster a comprehensive approach to border management. The youth on the continent will benefit from the initiative because of their need to move within and outside the continent for business, education, and tourism purposes.

Conclusion

The pre-AfCFTA continental initiatives on the promotion of economic development among the youth are insufficient, due to their inability to cater for modern economic problems such as the free movement of people and the protection of intellectual property. However, the AfCFTA and its protocol aims to remedy this through the facilitation of free movement of people and capital, the promotion of investment, and generally boosting intra-African trade. The youth on the continent will benefit from these trade liberalisation efforts, either as SME owners or through informal cross-border trade.

Notes and references

- 1 The African Development Bank, 2018. *Youth: Africa's most valuable resource* Available at <https://www.afdb.org/en/news-and-events/the-youth-africas-most-valuable-resource-for-economic-transformation-18411> [Accessed 8 August 2019].
- 2 Ighobor, K., 2017. Africa's jobless youth cast a shadow over economic growth available, *Africa Renewal, Special Edition on Youth, 2017*. Available at <https://www.un.org/africarenewal/magazine/issue/special-edition-youth-2017> [Accessed 1 August 2017].
- 3 Youth and Economic Development in Africa, Fifth African Development Forum. *Youth and leadership in the 21st Century*. 26 October 2006. Addis Ababa, Ethiopia.
- 4 Agreement Establishing the African Continental Free Trade Area, 2018. Article 23.
- 5 Treaty Establishing the African Economic Community, 1991. Article 6.
- 6 Agreement Establishing the African Continental Free Trade Area, 2018 Article 3.
- 7 United Nations Conference on Trade and Development (UNCTAD), 2016. *African Continental Free Trade Area: Policy and Negotiations Options for Trade in Goods*, p.1.
- 8 African Trade Report, 2018. *Boosting intra-African trade: Implications of the African Continental Free Trade Area Agreement*. Cairo: Afreximbank. p.10 Available at: <https://www.tralac.org/documents/news/2042-african-trade-report-2018-afreximbank/file.html>. [Accessed 11 May 2021]
- 9 AfricanTrade Report, p.12.
- 10 African Union, 8 August 2019. African Union Decision and Declarations: Assembly of the African Union Eighteenth Ordinary Session. Available at <https://au.int/en/focus-countries/ethiopia>. [Accessed 8 August 2019].

- 11 African Union webpage. Available at <https://au.int/en/all-african-union-websites> [Accessed 23 February 2021].
- 12 Agreement Establishing the African Continental Free Trade Area, 2018.
- 13 Patel, N., 2019. Figures of the week. Available at <https://www.brookings.edu/blog/africa-in-focus/2019/03/29/figure-of-the-week-electricity-access-in-africa/> [Accessed 12 August 2020].
- 14 Agreement Establishing the African Continental Free Trade Area, 2018 Article 23.
- 15 Trade Law Centre Resources (TRALAC) African Continental Free Trade Area Legal Texts and Policy Documents. Available at: <https://www.tralac.org/resources/by-region/cfta.html> [Accessed 18 April 2019].
- 16 African Union, 8 August 2019. List of countries which have signed, ratified, or acceded to the agreement establishing the African Continental Free Trade Area. Available at <https://au.int/sites/default/files/treaties/36437-sl-AGREEMENT%20ESTABLISHING%20THE%20AFRICAN%20CONTINENTAL%20FREE%20TRADE%20AREA.pdf> [Accessed 8 August 2019].
- 17 Trade Law Centre Resources (TRALAC) African Continental Free Trade Area Legal Texts and Policy Documents Available at <https://www.tralac.org/resources/by-region/cfta.html> [Accessed 18 April 2019].
- 18 African Youth Charter, 2006, 3-Definitions.
- 19 Yahya, M., 2017. Africa's defining challenge. *United Nations Development Program Blog*, 7 August. Available at https://www.africa.undp.org/content/rba/en/home/blog/2017/8/7/africa_defining_challenge.html [Accessed 12 August 2020].
- 20 Ibid.
- 21 Ibid.
- 22 Pittman, K. J., Irby, M., Tolman, M., 2003. *Forum for Youth Investment, preventing problems promoting development: Competing priorities or inseparable goals*. Available at <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.471.1224&rep=rep1&type=pdf> [Accessed 23 February 2021].
- 23 United Nations Economic Commission for Africa, African Development Forum (ADF V), 2006. *The Fifth African Development Forum (ADF-V) Youth and Leadership in the 21st Century*. 16–18 November. Ethiopia: Addis Ababa. Available at <http://hdl.handle.net/10855/3124> [Accessed 18 April 2020].
- 24 African Union, 2020. Goals and Priority Areas for Agenda 2063. Available at <https://au.int/en/agenda2063/goals> [Accessed 8 August 2019].
- 25 Treaty establishing the African Economic Community, 1991. Article 92.
- 26 African Youth Charter 2006. Available at https://au.int/sites/default/files/treaties/7789-treaty-0033_-_african_youth_charter_e.pdf [Accessed 10 April 2020].
- 27 Ibid., Article 12(d).
- 28 Ibid., Article 12(d).
- 29 Ibid., Article 12(h).
- 30 Ibid., Article 28(a-b).
- 31 International Labour Organisation, 2012. *Youth employment interventions in Africa: A mapping report of the employment sub-cluster of the Regional Coordination Mechanism (RCM) for Africa*. Available at https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_206325.pdf [Accessed 11 April 2020].
- 32 African Union, 2011. *African Youth Decade 2009-2018 Plan of Action*. Available at https://www.sadc.int/files/7213/5293/3503/African_Youth_Decade_Plan_of_Action_2009-2018.pdf [Accessed 12 April 2020].
- 33 Ibid., p.26.
- 34 Ibid., p.2.
- 35 Ibid.
- 36 African Union African Plan of Action on Youth Empowerment (APAYE 2019-2023). Available at https://au.int/sites/default/files/documents/38229-doc-apaye_final_eng_ok.pdf [Accessed 14 April 2020].
- 37 Pharatihathe K., 2018. *Time for leaders and youth to shape the Africa they want*. European Centre for Development Policy Management Blog. Available at <https://ecdpm.org/talking-points/leaders-youth-shape-africa-together/> [Accessed 12 August 2020].
- 38 Ibid., p.8.
- 39 Ibid., p.13.
- 40 Ibid., p.10.
- 41 African Youth Charter Status ratification list available at [<https://au.int/sites/default/files/treaties/7789-sl-AFRICAN%20YOUTH%20CHARTER.pdf>] [Accessed 16 April 2020].
- 42 African Youth Charter, Article 12(1).

- 43 Ibid. Article 12(1) a-d.
- 44 Corrigan T., 2018. *Getting youth policy right in Africa*. African Portal. Available at <https://www.africaportal.org/features/getting-youth-policy-right-africa/> [Accessed 17 April 2020].
- 45 Republic of Kenya, 2018. Kenya; Youth Development Policy, 2018 Available at <http://psyg.go.ke/docs/Kenya%20National%20Youth%20Policy.pdf> [Accessed 17 April 2017].
- 46 Republic of South Africa, National Youth Policy 2009–2014 p.6. Available at : https://www.gov.za/sites/default/files/gcis_document/201409/national-youth-policy0.pdf [Accessed 17 April 2020].
- 47 African Union website. Youth Advisory Council. Available at <https://au.int/en/youth-development> [Accessed 18 April 2020].
- 48 African Youth Charter, 2006. Article 2.
- 49 Ibid. Article 15.
- 50 African Development Bank, 2018. *Jobs for youth in Africa: Strategy for creating twenty-five million jobs and equipping fifty million youths 2016-2025*. Available at https://www.afdb.org/fileadmin/uploads/afdb/Documents/Boards-Documents/Bank_Group_Strategy_for_Jobs_for_Youth_in_Africa_2016-2025_Rev_2.pdf [Accessed 14 April 2020].
- 51 Gakusu, A. 2018. *African education challenges and policy responses: Evaluation of the effectiveness of the African Development Bank*, African Economic Conference on Globalization, Institutions and Economic Development of Africa 2018.
- 52 African Youth Charter. 2006. Article 13.
- 53 Kvemo B., 2017. *Making Africa great again: Reducing aid dependency*, Brookings Institute Blog. Available at <https://www.brookings.edu/blog/africa-in-focus/2017/04/20/making-africa-great-again-reducing-aid-dependency/> [Accessed 12 August 2020].
- 54 Ibid. Note 46 at p.14.
- 55 African Youth Charter, 2006. Article 11.
- 56 Ibid. Article 11(2) a-c.
- 57 Ntsabane T., and Ntau C., 2016. The African Youth Charter and youth participation in decision making: Opportunities and challenges. *The IUP Journal of International Relations* (October 28, 2017)., Vol. X, No. 4, October 2016, pp. 51-64. Available at SSRN <https://ssrn.com/abstract=3061048> [Accessed 16 April 2020].
- 58 African Youth Charter, 2006. Article 3.
- 59 Agence Française de Développement and the World Bank, 2014. *Youth Employment in Sub-Saharan Africa*. Available at <https://openknowledge.worldbank.org/bitstream/handle/10986/16608/9781464801075.pdf?sequence> [Accessed 18 May 2021].
- 60 London Stock Exchange Group Africa, 2015. *The Challenges and Opportunities of SME financing in Africa: Report on recommendations*.
- 61 Mo' Ibrahim Foundation, 2019. *The African Continental Free Trade Area (AfCFTA): What's in it for Africa's youth?*. Available at <https://mo.ibrahim.foundation/news/2019/african-continental-free-trade-area-afcfta-whats-africas-youth> [Accessed 25 April 2020].
- 62 Bayat N., 2020. A business unusual approach for gender inequality under the AfCFTA. *ECDPM Great Insights Magazine*, 9(1), pp.27-30. Available at <https://ecdpm.org/great-insights/african-continental-free-trade-area-agreement-impact/business-unusual-gender-afcfta/#> [Accessed 25 April 2020].
- 63 African Continental Free Trade Area Protocol on Trade in Services, Article 27(2d).
- 64 African Continental Free Trade Area Protocol on Trade in Goods, Article 24.
- 65 Agreement Establishing the African Continental Free Trade Area,, Article 3.
- 66 Ibid. Note 59, Article 23.
- 67 Ibid. Note 59, Article 4.
- 68 African Continental Free Trade Area Protocol on Trade in Goods, Article 5.
- 69 Ibid. Note 63, Article 7.
- 70 Ibid. Note 63, Article 7(3).
- 71 Ibid. Note 63, Article 10
- 72 Knebel C., 2020. Breaking down non-tariff barriers. *ECDPM Great Insights Magazine*, 9(1), pp.19-21.
- 73 UNCTAD, 2018. *Informal cross border trade for empowerment of women, economic development and regional integration in Eastern and Southern Africa*. Available at .<https://unctad.org/en/Pages/DITC/Gender-and-Trade/Gender-Project-1617J.aspx>. [Accessed 30 April 2020].
- 74 Benjamin, N., Golub, S. and Aly Mbaye, A., 2013. *Informality, regional integration and smuggling in West Africa, 4th WTO Chairs programme, Annual Conference: Overcoming supply side constraint issues for policy makers*. Available at https://www.wto.org/english/tratop_e/devel_e/train_e/Senegal.pdf [Accessed 29 January 2021].
- 75 Nshimbi, C., and Moyo, I. (eds), 2017. *Migration, cross-border trade and development in Africa: Exploring the role of non-state actors in the SADC*

region. Cham: Palgrave Macmillan.

- 76 Afrika, J.-G. K. and Ajumbo, G., 2012. Informal cross-border trade in Africa: Implications and policy recommendations. *African Development Bank Africa Economic Brief*, 3(10), pp.1-13.
- 77 Pace, K. B., and Glauber, J., 2019. Informal cross border trade in Africa, *International Food Policy Research Institute Project Note*. Available at <http://ebrary.ifpri.org/digital/collection/p15738coll2/id/133423> [Accessed 1 May 2020].
- 78 Ibid. Note 84.
- 79 International Institute for Sustainable Development, 2020. *AfCFTA enters into force; Phase II on investment, competition, IPRs to last through 2020–2021*. Available at <https://www.iisd.org/itn/2019/06/27/afcfta-enters-into-force-phase-ii-on-investment-competition-iprs-to-last-through-2020-2021/> [Accessed 5 May 2020].
- 80 United Nations Conference on Trade and Development, 2016. *African Continental Free Trade Area: Policy and negotiation options for trade in goods*. Available at <https://www.wcoesarocb.org/wp-content/uploads/2018/08/UNCTAD-AfCFTA-Policy-and-Negotiation-Options-for-Trade-in-Goods.pdf> [Accessed 24 February 2021].
- 81 Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment, 2018. Article 2.
- 82 Ibid. Articles 13 and 14.
- 83 United Nations Economic Commission for Africa, 2020. Free movement of persons available at <https://www.uneca.org/oria/pages/free-movement-persons> [5 May 2020].